

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>Tafari Nickle,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>Astramed Physician, P.C.,</p> <p style="text-align: center;">Defendant.</p>	<p>Civ. Action #: CV-11-3753 (MKB)(RER)</p> <p><u>Defendant’s Proposed Jury Questions</u></p>
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Pursuant to the provisions of Rule 47(a) of the Federal Rules of Civil Procedure, Defendant Astramed Physician, PC, kindly requests that the Court asks the following questions of prospective jurors during voir dire or, in the alternative, that the court permit counsel for the parties to examine prospective jurors on the following questions in addition to the general and standard questions the Court will ask:

1. What is the highest level of education that you achieved?
2. What is your marital status?
3. Where did you attend school?
4. What schools did you attend?
5. By whom are you employed?
6. Do you or any member of you immediate family own a business?
7. What type of business?
8. Do you get paid overtime or are you a salaried employee?
9. If you earn overtime do you need to get permission from your employer to work overtime?
10. If you do not get permission to work overtime do you get paid for overtime?
11. What is (or if retired, what was) your occupation?
12. How many years were you engaged in your occupation?
13. How frequently are you paid? (Weekly, bi-weekly, monthly etc).
14. Did you receive a pay-stub or wage statement from your current or former employer which stated the hours you worked and the wages you received each pay period?

15. Please describe the duties of your present (or if retired, your previous) occupation.
16. How long have you worked for your current employer (if retired, how long had you worked for your last employer)?
17. Please list the last three (3) jobs you have held, the names of your past employers, and the reasons that you left your employment?
18. As part of your job duties, do you supervise other employees? If yes, how many?
19. What are your career or employment ambitions?
20. Are you related to or acquainted with any of the parties or their employees or relatives? If so, explain.
21. Do you know plaintiff's attorney or have you ever had dealings with his law firm?
22. Do you know the defendant's attorney or have you ever had any dealings with his law firm?
23. Have you heard of or do you have knowledge of the facts or events in this case? If so, please describe what you have heard about this case.
24. Have you at any time been employed by the defendant in this case? If yes, please briefly describe your employment with Defendant.
25. If an employee was not paid overtime wages required by law, the law allows that employee to sue his employer to recover his unpaid wages. Do you believe an employee should have the right to sue for wages owed to him by his employer?
26. Are you aware that there are federal and state laws that require the payment of certain overtime wages? If yes, what is your understanding of the overtime wage laws?
27. If the law requires an employer to pay its employees overtime wages, do you think that employer can nonetheless choose not to pay its employees overtime wages?
28. Do you believe that there are some employers who do not pay their employees the required overtime wages?
29. Do you, your spouse, or any member of your family or friends have any interest, financial or otherwise, in the outcome of this case?
30. Have you ever served as a juror in any other case? If so, was it a civil or criminal case? Please describe the case.
31. Have you, your spouse or any member of your family or close friends ever done any business as a corporation, partnership or sole proprietorship? If yes, what type of business? Did the business have employees?
32. Do any of you have any belief or feeling toward any of the parties, attorneys, or witnesses that might be regarded as a bias or prejudice for or against them?
33. Have you, a close friend or relative, ever been accused of underpayment of wages in any court or government agency? If so, when, where, what was the charge, and what was the outcome?

34. Are you, or have you ever been, a Defendant in a wage lawsuit in court or in an administrative agency? If so, when, where, what was the complaint, and what was the outcome? Would anything about that experience affect your ability to be a fair and impartial juror in a case involving claims of unpaid wages?
35. Do you regularly listen to any radio talk program? If so, who is the host of that program?
36. What television news programs, if any, do you watch?
37. Who is your favorite musician, if you have one?
38. Who is your favorite celebrity, if you have one?
39. What is your favorite sports team, if you have one?
40. Do you know of any reason why you could not serve as a juror in this case and decide it with total impartiality?
41. Will you base your decision solely on the evidence presented in this case and on the law as the Judge gives it to you?
42. Can you give the parties a fair and impartial trial?
43. This trial is expected to last 3 days. Does the length of the trial present a problem for you in performing your duties as a juror? If so, please explain.

Dated: Patchogue, New York

October 29, 2013

Respectfully submitted,

/s/ Robert W. Dapelo
Robert W. Dapelo, Esq. (rd9918)
110 North Ocean Avenue- Suite A
Patchogue, New York 11772
Tel: 631-654-9500
Attorney for Defendant Astramed Physicians PC